Filed 12/30/04 In re Mark B. CA4/2

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re MARK B. et al., Persons Coming Under the Juvenile Court Law.	
SAN BERNARDINO COUNTY DEPARTMENT OF CHILDREN'S SERVICES, Plaintiff and Respondent, v. LINDA B., Defendant and Appellant.	E036550 (Super.Ct.No. J169148, J169149) **OPINION**

APPEAL from the Superior Court of San Bernardino County. Appeal from the Superior Court of San Bernardino County. Raymond L. Haight, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Leslie A. Barry, under appointment by the Court of Appeal, for Defendant and Appellant.

No Appearance by Plaintiff and Respondent.

Appellant Linda B. (Mother) is the mother of the minors Mark and Sarah.[1] These proceedings began as a "dirty house" case when in May 2000 the San Bernardino Department of Children's Services (the Department) removed the children[2] from Mother after informally trying to work with her for a period of several months. On May 23, 2000, the Department filed petitions alleging the minors came within the provisions of Welfare and Institutions Code section 300, subdivision (b).[3] Mother's residence was littered with dog feces, rotten, moldy food and garbage, and infested with cockroaches. Mother suffered from mental illness, schizophrenia, and was not under a doctor's care. Sarah had missed 47 days of school and had been tardy 30 times. The children were detained on May 26, 2000.

The jurisdictional/dispositional hearing held on July 13, 2000, resulted in the court declaring the minors dependents of the court and placed in the custody of the Department. The court ordered reunification services for Mother and granted her weekly supervised visitation. The six-month review hearing was not held until March 12, 2001, at which time six additional months of reunification services were ordered. Mother was required to undergo psychiatric/psychological evaluation and to comply with all recommendations made by the evaluator. The report prepared for the six-month review

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[1] Mark was born in May 1999; Sarah was born in May 1993.

[2] A third child who attained the age of majority during the pendency of this case was also removed. This child is not a subject of this appeal.

[3] All further statutory references are to the Welfare and Institutions Code unless otherwise designated.

indicated Mother had not submitted to a mental evaluation, had no permanent home, had been arrested for drug use and prostitution, and had not completed a parenting class.

The 12-month hearing was not held until June 3-4, 2002, at which time the court agreed with Mother's counsel that she had not received adequate directions or assistance in obtaining mental health/substance abuse services. The court therefore continued services and ordered the Department to draw up a new reunification plan. Mother was directed to engage in drug testing, counseling, or inpatient treatment and to undergo medical as well as psychiatric consultation and therapy. Mother did not comply with the directives of the new reunification plan. She did not drug test, quit her drug and alcohol counseling, missed counseling appointments, and failed to take her psychotropic medicines. She also denied her mental illness.

Mother, although represented by counsel, did not appear for the 18-month hearing held October 7, 2003. At that hearing reunification services were terminated. The Department's report noted Mother was still unemployed and receiving Social Security benefits. She had not completed drug testing, did not follow through with her counseling referrals, and still maintained she did not need medication. Mother had failed to complete any of the plan requirements. A section 366.26 hearing was scheduled for February 4, 2004.

Mother's petition for extraordinary writ, filed with this court pursuant to California Rules of Court, rule 39.1B, was denied by an unpublished opinion, case No. E034629, filed February 5, 2004.

Since their removal from Mother in May 2000, the minors had been placed in several foster care homes. In 2003, the Department submitted a fos-dopt referral for the

minors. The foster family with whom the minors had been placed since December 2003 desired to adopt both of them. In the adoption assessment report prepared by the Department for the section 366.26 hearing, both minors expressed a desire to be adopted by their foster family and desired to have no further contact with Mother. Sarah wanted to be adopted because she did not want to be moved again, because she liked her foster mom and dad, and because she was comfortable with them. She told the social worker that her foster parents "give me a home feeling because they don't smoke, they don't yell, scream or hit, and they don't abuse kids." Sarah loved the baby daughter of the foster parents and wanted them to be her "forever home and family."

Mark wanted to be adopted along with his sister Sarah, because he loved Sarah and his foster family. He told the social worker "they take good care of me and I want to live with them forever." The social worker observed that Sarah and Mark were content and comfortable with their adoptive foster family. The foster parents were, according to the social worker, committed, capable caregivers who were devoted and determined to provide Sarah and Mark with a normal, stable, loving and permanent home.

On August 26, 2004, over four years from the original removal of the minors from Mother, the court terminated her parental rights after considering all admissible evidence, including her testimony, and hearing arguments from counsel. The court found the minors adoptable and further noted no statutory exceptions applied.

Mother appealed, and upon her request this court appointed counsel to represent her. Appellate counsel submitted a brief under the authority of *In re Sade C.* (1996) 13 Cal.4th 952, *People* v. *Wende* (1979) 25 Cal.3d 436, and *Anders* v. *California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493] setting forth a statement of the case, a summary

of the facts, and potential arguable issues and requesting this court to undertake a review of the entire record.

We have invited Mother to file a supplemental brief, and she has not done so.

Even though we are not required to conduct an independent review of the record under *In re Sade C., supra,* 13 Cal.4th 952, we have done so. We have completed that review and find no arguable issues.

The judgment is affirmed.

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RICHLI
J.

We concur:

McKINSTER
Acting P.J.

GAUT
J.